REMARKS

In response to the final Office Action of August 31, 2010, claims 1, 9, 18 and 25 have been amended to correct informalities and claim 27 has been cancelled without prejudice.

Claim Objections

At page 5 of the Office Action, claims 1, 3-4, 6, 9, 11-12, 14, 20-21 and 23 are objected to for various informalities.

With respect to claims 1 and 9, it is asserted that the phrase "chip identifier, with" should be replaced by "chip identifier using." Applicants have made these amendments suggested by the Office, and have amended claims 18 and 25 similarly. Therefore, Applicants respectfully submit that the objections should be withdrawn.

With respect to claims 1, 3, 4, 5, 11, 12, 14, 20, 21 and 23, it is asserted that "a secure, key" should be replaced by "a secure key." Applicants respectfully disagree. The adjective "secure" is not being used in the claims to describe the "key", but rather, it is being used to describe the "communication channel." The communication channel of the claims is (a) secure and (b) key based. Thus, the comma is inserted to separate two adjectives, secure and key based, and as such, Applicants respectfully submit that the objected to claims are clear to the person of ordinary skill in the art and the objections should be withdrawn.

Claim Rejections- 35 U.S.C. 112

At pages 6-7 of the Office Action, claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In the interest of expediting prosecution, Applicants have cancelled claim 27 without prejudice.

Claim Rejections- 35 U.S.C. 103

At pages 8-21 claims 1, 3-4, 6, 8-9, 11-12, 14, 16-17, 19-21, 23, 25, and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Mauro (US 2002/0147920)

in view of Craft et al. (US 2002/0150243, hereinafter Craft) further in view of Chien (U.S. 7,551,913) and further in view of Okimoto et al. (US 6,978,022 B2, hereinafter Okimoto).

With respect to claim 1, on page 8 of the Office Action, it is asserted that Mauro teaches the feature of "retrieving in a secure processing point separate from and arranged in communication with a personal device, a unique chip identifier from a read-only storage of an integrated circuit chip included in the personal device" with reference to paragraph [0038]. Paragraph [0038] of Mauro states:

> In the embodiment shown in FIG. 3, ROM 252 is implemented within secure processor 250 and stores program instructions and secure parameters used to perform the secure processing. This design allows secure processor 250 to be operated without dependency on other external elements, since such dependency may compromise security. The program instructions and parameters may be loaded (or burned) into the ROM 252 via a secure operation (e.g., during the manufacturing phase) and become available for use thereafter. (Emphasis added)

It is asserted by the Office that the "secure parameters" correspond to the unique chip identifier according to claim 1. Applicants respectfully disagree with this interpretation of Mauro for several reasons.

First, the Office in this rejection states that Mauro teaches a secure processing point being separated from the personal device. However, it is clearly stated in paragraph [0038] that the processor (250), and therefore the secure unit (240) comprising the processor, is part of, not separate, from the device. The Office later cites Okimoto on page 13 of the Office Action because the combination of Mauro, Craft and Chien "are not so clear of disclosing the secure processing point being separated from the personal device," but this feature is disclosed in Okimoto, column 5, lines 52-53 (stating "...while the second platform is physically separated to handle secure processing."). Although the Office cites column 3, lines 67-column 4, line 1 of Okimoto as providing motivation for combining Okimoto with the other cited references, a person of ordinary skill in the art would not find it obvious to modify the processor of Mauro by separating it from the device, as is suggested by the Office. As underlined above, the processor of Mauro is designed so that it can be operated without dependency on

exeternal elements. This is not a mere matter of design choice, because as Mauro explicitly states, the processor being dependent on external elements may compromise security. A person of ordinary skill in the art would not find it obvious modify the processor of Mauro to separate it from the device (i.e., to make the processor dependent on external elements) because Mauro explicitly teaches away from making such a modification. A person of ordinary skill would not find it obvious to modify Mauro to "securely deliver encrypted content on demand with access control" by making a modification which Mauro discloses as weakening security.

Furthermore, although it is not clear in the Office Action as to which specific elements in Mauro are interpreted as "retrieving in a secure processing point...from a read only-storage of an integrated circuit chip included in the personal device," it is not indicated in Mauro that these elements could be separated into separate devices. The Office in section (a) states that ROM 252 stores secure parameters and makes them available for use, suggesting that the Office finds ROM 252 to correspond to the read-only storage of an integrated circuit chip included in the personal device. However, the Office also asserts in section (b) that the secure unit 240 of Mauro corresponds to the "secure processing point" of claim 1 and that memory 254 corresponds to the "tamper-resistant secret storage of the integrated circuit chip." It is clearly shown in Figure 3 of Mauro that secure unit 240 comprises secure processer 250, ROM 252 and memory 254. Mauro further states that secure processor 250 (which comprises ROM 252) and memory 254 can be implemented in a single integrated circuit or as separate units enclosed within a secure or tamper resistance unit (such as secure unit 240) (Mauro, paragraph [0034]). Thus, even if a person of ordinary skill in the art was motivated by Okimoto to modify Mauro by making the "secure processing point" separated from a personal device including an integrated circuit chip, it would not be possible based on the disclosure of Mauro. The asserted "secure processing point" in Mauro is also the asserted "integrated circuit chip." If the secure unit 240 (the "secure processing point") was separated from secure processor 250, read only memory 252 and memory 254 (the "integrated circuit chip"), then there would be nothing left in secure unit 240 capable of performing the functions as suggested by the Office.

Lastly, it is not clear how the "secure parameters" disclosed in Mauro teach "a unique chip identifier." The secure parameters are used in conjunction with program instructions to perform secure processing without dependency on external elements. There is no disclosure in Mauro that such parameters identify a chip, or are unique identifiers.

Therefore, for the foregoing reasons, it is respectfully submitted that Mauro and Okimoto do not disclose "retrieving in a secure processing point separated from and arranged in communication with a personal device, a unique chip identifier from a read-only storage of an integrated circuit chip included in the personal device."

On pages 10-11 of the Office Action the Office asserts that Craft discloses "(c) receiving at the secure processing point, in response to storing the data package, a backup data package from the personal device, which backup data package is the data package encrypted with a unique secret chip key stored in a tamper-resistant storage of chip" and "(d) associating the unique chip identifier with the received backup package." Reference is made to Figure 2 and paragraphs [0021] and [0019] as disclosing (c) and to paragraph [0041] as disclosing (d).

With respect to "receiving a backup data package" the Office asserts that this is disclosed by Craft because Craft discloses "[a] server system receives encrypted content data [Figure 4] using permanent, hardware-embedded cryptographic keys (tamper resistant storage) from a client." With respect to this feature of the claim, the Office clearly interprets the encrypted content data to correspond to the received backup data package.

However, in the next paragraph of the Office Action, the Office asserts that the unique chip identifier is associated with the received data package in Craft, because paragraph [0041] of Craft discloses "[t]he manufacture of the client CPU chips also has knowledge of a server public key that is associated with a server private key that may or may not be known to the manufacturer." Thus, on the one hand the Office cites the received backup data package to be disclosed by the encrypted content data of Figure 4, while on the other hand, the received backup data package is also the server public or private key, discussed in reference to Figure 2. Craft clearly discloses these elements to be different from each other, whereas the claim requires that the received backup data package is the same backup data package that is associated with the unique chip

identifier. Craft does not disclosed these claimed features as occurring in reference to one, single backup data package.

Therefore, Craft fails to disclose the features of "receiving...a backup data package," and "associating the unique chip identifier with the received backup data package."

On pages 11 and 12 of the Office Action, it is asserted that both Craft and Chien disclose "associating a unique device identity with the unique chip identifier." As argued by Applicants in the previous responses dated July 31, 2009 (page 11) and February 2, 2010 (pages 13-14), both Craft and Chien fail to disclose "associating a unique device identity with the unique chip identifier." Applicants refer to these responses for a complete statement of the reasons why they believe the Office is in error in its assertion. However, Applicants specifically note, as noted in the previous response, that the Office states on page 11 that "Craft further discloses the secure processing point performs associating a unique device identity with the unique chip identifier" and then on page 12 the Office States "Mauro and Craft are not so clear of disclosing a unique device identity and associating a unique device identity with the unique chip identifier." Thus, because the Office states that Craft both does and does not disclose this associating, it is unclear to Applicants whether the Office is asserting that Craft discloses this limitation or if it has merely not removed this assertion that was cited in earlier Office Actions. Applicants respectfully request that the Office provide clarification on this issue, as it is not only of relevance to claim 1, but the remaining independent claims, including claim 18 which is discussed at greater length below.

Lastly, Applicants respectfully submit that it would not have been obvious to combine the four cited references as is being suggested by the Office. As shown above, a person of ordinary skill in the art would at the very least not have found it obvious to combine Mauro and Okimoto. However, it also would not have been obvious to also combine the remaining two references, Craft and Chien. Each of the cited references disclose different systems wherein different components are each configured to perform differently. The Office asserts these different components from each reference are interchangeable such that it would have been obvious to replace one feature with another. However, Applicants respectfully submit that given the different

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characteristics of each reference, it would not have been obvious to combine them in the precise manner suggested by the Office and arrive at the claimed invention. Although the Office repeats sentences from Craft, Chien and Okimoto which restate each respective reference's perceived benefit, it does not take into account the differing nature of each disclosure and whether a person of ordinary skill in the art could have combined all four references or would have found it obvious to combine the references, given that many references teach away from being combined with another, as shown above with respect to Mauro and Okimoto. Therefore, Applicants respectfully submits that the Office's combination of Mauro, Craft, Chien and Okimoto constitutes hindsight reconstruction, and that it would not have been obvious to combine them in order to arrive at the claimed invention.

Therefore, for the foregoing reasons, as well as those reasons provided in earlier responses, it is respectfully submitted that claim 1 is not rendered obvious in view of the cited references, and is in allowable form.

For similar reasons as those presented above with respect to claim 1, it is respectfully submitted that independent claims 9 and 25 are patentable, since each of these claims recite features corresponding to those recited above with respect to claim 1.

At pages 21-30, claims 5, 7, 13, 15, 18 and 20-24 are rejected under 35 U.S.C. §103. Claim 18 is an independent claim and claims 5, 7, 13, 15, 20-24 are dependent claims.

Claim 18 is rejected as obvious in view Mauro, Craft and Okimoto under 35 U.S.C. § 103(a). Because claim 18 is similar to claim 1, Applicants respectfully submit that it is non-obvious for the reasons stated above in reference to claim 1. However, claim 18 also recites "an association of the unique device identity and the unique chip identifier." The Office asserts that this feature is disclosed in paragraph [0036] of Craft, however, it is clear from a reading of this paragraph that associating a unique device identity and unique chip identifier is not disclosed. In rejecting the other independent claims discussed above, the Office asserts that Craft (paragraphs [0015] and [0041]) discloses "associating a unique device identity and the unique chip identifier," but also states that Craft does not disclose this feature, and then recites Chien as disclosing this feature. Chien is not included in the rejection of claim 18. Therefore, because Craft does not disclose an association of a
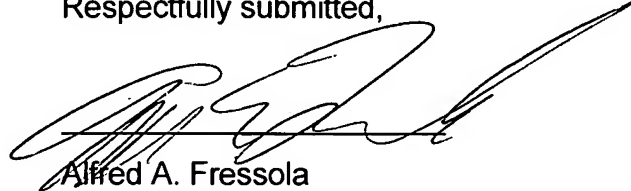
unique device identity and a unique chip identifier, as argued by Applicants and stated by the Office, and because the Office does not cite any reference in the rejection of claim 18 that discloses this feature, it is respectfully submitted that claim 18 is not obvious in view of Mauro, Craft and Okimoto, and is in allowable form.

At least in view of their dependency from the independent claims, it is respectfully submitted that dependent claims 5, 7, 13, 15 and 20-24 are in allowable form.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

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Alfred A. Fressola
Attorney for Applicants
Registration No. 27,550

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
Bradford Green, Building Five
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955